

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAZARO ALFONSO,

Plaintiff,

vs.

No.9:07-CV-0844
(FJS/DRH)

D. WHALEY, Sgt., Mohawk Correctional
Facility; MURLING, Sgt., Mohawk
Correctional Facility; S. McCORMICK, C.O.,
Mohawk Correctional Facility; BUSH, C.O.,
Mohawk Correctional Facility; B. GALLER,
C.O., Mohawk Correctional Facility,

Defendants.

APPEARANCES:

OF COUNSEL:

LAZARO ALFONSO
Plaintiff, *pro se*
06-B-0932
Coxsackie Correctional Facility
Box 999
Coxsackie, New York 12051

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FREDERICK J. SCULLIN, JR., S.J.

ORDER

Presently before the Court is Magistrate Judge David R. Homer's July 28, 2009 Report-Recommendation in which he recommends that defendants' motion to dismiss this action be granted pursuant to Fed. R.Civ.P. 41(b); and that this action be dismissed, with prejudice. Magistrate Judge Homer's Report-Recommendation was mailed to plaintiff's last known address, but was returned to the Clerk's Office marked, "RTS-RELEASED." Under Local Rule 41.2(b), failure to notify the Court of a change of address as required by Local Rule 10.1(b) may result in dismissal of the action. Therefore, in light of Plaintiff's failure to notify the Court of his change of address, the Court hereby

ORDERS that the Report-Recommendation filed by Magistrate Judge David R. Homer on July 28, 2009 is **ACCEPTED** in its entirety for the reasons stated therein, and the Court further

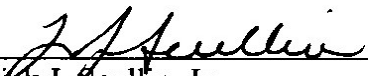
ORDERS that defendants' motion to dismiss this action pursuant to Fed. R.Civ.P. 41(b) is **GRANTED**, and the Court further

ORDERS that this action is **DISMISSED**, with prejudice, and the Court further

ORDERS that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED.

Dated: August 19, 2009
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge

